HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 3554 of 2007

DATED: 23-02-2007

Between:

Smt Chundru Lakshmi Kanthamma and others

…Petitioners

and

The District Collector,
Visakhapatnam and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3554 of 2007

ORAL ORDER:

This writ petition is filed on an apprehension that the respondents would demolish the petitioners' properties and interfere with their ownership, possession and enjoyment of the properties in N.A.D. Colony, Krishnarayapuram, Sujatanagar of Visakhapatnam for the purpose of widening of the road without following the due process of law. The Division Bench of this Court in ***Billi Lakshmana Rao v. Executive Officer, Gram Panchayat, Challapalli***[1] has already declared that a statutory authority may not take possession and demolish properties for the purpose of the road widening without acquiring the property under the appropriate legislative provision. In the case of Municipality where road widening is scheduled, the authorities will have to acquire the land either by way of private negotiations under Section 146 of the Hyderabad Municipalities Act, 1955 (for short 'the HM Act') or by initiating land acquisition proceedings under Section 147 of the HM Act or under the provisions of the Land Acquisition Act, 1894. Without proceeding to acquire the properties, however, the authorities may not resort to physically dispossess the owners by force.

The writ petition is accordingly allowed at the stage of admission, after hearing the learned counsel for the respondents Sri N.Ranga Reddy, directing the respondents not to dispossess the petitioners or interfere with their possession and enjoyment of over the properties without following due procedure under law. There shall be no order as

to costs.

GODA RAGHURAM, J

23-02-2007
Note:
Issue copy as soon as possible.
/B.O/
GRR

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[1] 2000 (5) ALT 246